United Nations S/2012/485

Security Council

Distr.: General
27 June 2012

Original: English

France, Germany and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Acknowledging that there have been positive developments relative to the consolidation of peace and stability across the Democratic Republic of the Congo, but *stressing* that serious challenges remain, particularly in the eastern provinces, including the continued presence of armed groups in the Kivus and Oriental Province, serious abuses and violations of human rights and acts of violence against civilians, limited progress in building professional and accountable national security and rule of law institutions, and illegal exploitation of natural resources,

Expressing deep concern at the deteriorating security situation in the eastern provinces of the Democratic Republic of the Congo, including attacks by armed groups, attacks on peacekeepers and humanitarian personnel, which have restricted humanitarian access to conflict areas where vulnerable civilian populations reside, and the displacement of tens of thousands of civilians, and *calling on* all armed groups to cease hostilities, including all acts of violence committed against civilians, and urgently facilitate unhindered humanitarian access,

Stressing the need for the Congolese authorities to address the irregularities and challenges identified by national and international observers during the presidential and general elections on 28 November 2011 as well as the need to hold provincial and local elections in a timely, inclusive, peaceful, credible and transparent manner,

Encouraging the enhanced regional cooperation in the Great Lakes region and *encouraging* further efforts to promote peace, stability and economic development in the region, including through existing regional mechanisms,

Recognizing the importance of supporting peacebuilding efforts in order to achieve further progress in the stabilization of the country, *underlining* the

importance of economic development to ensure long-term stabilization and peace consolidation, and *stressing* the need for sustained international support to ensure early recovery activities and lay the foundations for sustainable development,

Emphasizing that the linkage between the illicit exploitation and trade of natural resources and the proliferation and trafficking of arms is among the major factors fuelling and exacerbating conflicts in the Great Lakes region, *urging* all States, particularly those in the region, to implement fully the measures set out by its resolution 1896 (2009), *reiterating* its determination to continue to closely monitor the implementation and compliance with the measures set out by the resolution 1896 (2009) and paragraph 5 of resolution 1807 (2008), and *urging* all States to take legal action where appropriate in accordance with these measures against the Forces démocratiques de libération du Rwanda (FDLR) leaders residing in their countries,

Remaining greatly concerned by the humanitarian situation and the persistent high levels of violence and human rights abuses and violations against civilians, *condemning* in particular the targeted attacks against civilians, widespread sexual and gender-based violence, recruitment and use of children by parties to the conflict, in particular the mutineers of ex-Congrès National pour la Défense du Peuple (ex-CNDP) and the 23 March Movement (M23), the displacement of significant numbers of civilians, extrajudicial executions and arbitrary arrests and their deleterious effect on the stabilization, reconstruction and development efforts in the Democratic Republic of the Congo, *reiterating the urgent need for* the swift prosecution of all perpetrators of human rights abuses and international humanitarian law violations, *urging* the Government of the Democratic Republic of the Congo, in cooperation with the United Nations, the International Criminal Court and other relevant actors, to implement the appropriate responses to address these challenges and to provide security, medical, legal, humanitarian and other assistance to victims,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010) on women, peace and security, its resolution 1894 (2009) on the protection of civilians in armed conflict, and its resolutions 1882 (2009) and 1998 (2011) on children and armed conflict, and *recalling* the conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties in the armed conflict of the Democratic Republic of the Congo, especially in relation to the adoption of an action plan to put an end to the recruitment and use of children,

Welcoming the efforts of MONUSCO and international partners in delivering training in human rights, child protection and protection from sexual and gender-based violence for Congolese security forces and *underlining* its importance,

Condemning all attacks against United Nations peacekeepers and humanitarian personnel, regardless of their perpetrators and *emphasizing* that those responsible for such attacks must be brought to justice,

Recognizing the significant sacrifices made by MONUSCO, *expressing appreciation* for its efforts to improve peace and stability in the Democratic Republic of the Congo,

Emphasizing the importance of the continued support of the United Nations and the international community for the long-term security and development of the Democratic Republic of the Congo,

Encouraging relevant international actors to support efforts and to assist in the restoration of basic services, especially in conflict-affected areas of the Democratic Republic of the Congo,

Reiterating its call upon the African Union and all relevant subregional organizations to further engage in support of the stabilization efforts in the Democratic Republic of the Congo, notably in the fields of security and combating illicit exploitation and trade of natural resources,

Welcoming the efforts of the African Union to address the threat posed by the Lord's Resistance Army (LRA) and *welcoming* MONUSCO's intention to provide logistical support for the establishment of the African Union-Regional Task Force Sector Headquarters in Dungu, and *encouraging* the African Union to share further information on the implementation of the initiative in the Democratic Republic of the Congo,

Taking note of the report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), dated 23 May 2012, and of its recommendations,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations:

1. *Decides* to extend until 30 June 2013 the mandate of MONUSCO as set out in resolution 1925 (2010), paragraphs 2, 11 and 12 (a) to (p) and (r) to (t), *reaffirms* that the protection of civilians must be given priority in decisions about the use of available capacity and resources and *encourages further* the use of innovative measures implemented by MONUSCO in the protection of civilians;

2. *Reiterates* its request that MONUSCO, consistent with the authorization provided by resolution 1925 (2010), keeps a reserve force capable of redeploying rapidly in the country within its mandated strength;

3. *Reiterates* that the Government of the Democratic Republic of the Congo bears primary responsibility for security, national reconciliation, peacebuilding and development in the country, and *encourages* the Government of the Democratic Republic of the Congo to remain fully committed to protecting the civilian population through the establishment of professional, accountable and sustainable security forces, the deployment of Congolese civil administration, in particular the police, judicial personnel and territorial administration and the establishment of rule of law and respect for human rights, and *encourages* the Government to promote non military solutions as an integral part of the overall solution for reducing the threat posed by Congolese and foreign armed groups and to restore full State authority in the areas freed from armed groups and to consolidate state authority throughout the territory;

4. *Reiterates* that future reconfigurations of MONUSCO should be determined on the basis of the evolution of the situation on the ground and on the achievement of the following objectives to be pursued by the Government of the Democratic Republic of the Congo, with the support of the United Nations Mission:

(a) The completion of the ongoing military operations in the Kivus and Orientale Province, resulting in reducing to a minimum the threat from armed groups and restoring stability in sensitive areas;

(b) An improved capacity of the Government of the Democratic Republic of the Congo to effectively protect the population through the establishment of professional, accountable and sustainable security forces with a view to progressively taking over MONUSCO's security role;

(c) The consolidation of State authority by the Congolese Government throughout the territory, through the deployment of Congolese civil administration, in particular the police, territorial administration and rule of law institutions in areas freed from armed groups;

5. *Encourages* the ongoing strategic partnership between the Congolese Government and MONUSCO, in particular through the joint assessment process, and *encourages* the continuing of such assessment discussions to enable the Security Council to take into account the joint assessment reports when making decisions regarding any reconfiguration of the Mission, in accordance with the provisions of paragraph 4 of this resolution and paragraph 7 of resolution 1925 (2010);

6. *Stresses* that while protection of civilians remains MONUSCO's priority, security sector reform (SSR) should be the primary focus within the stabilization and peace consolidation mandate of the Mission as defined in paragraph 12 (l) to (p), (r) and (s) of resolution 1925 (2010) as SSR is critical for the achievement of the objectives defined in paragraph 4 above;

7. *Requests* MONUSCO to undertake a strategic review on the implementation of the International Security and Stabilization Support Strategy (ISSSS), providing a clear definition of stabilization in the context of Eastern DRC and a strategy and timeframe for achieving these stabilization goals, with the view to strengthening its efforts and engaging closely with the Government of the Democratic Republic of the Congo to ensure these efforts are closely aligned with, and provide effective support to the Government's Stabilization and Reconstruction Plan (STAREC), *requests* further the Secretary-General to present the results of this review in an annex to his report in February 2013, and *encourages* donors to support the relevant Congolese authorities in fully implementing the STAREC;

8. *Urges* the Government of the Democratic Republic of the Congo, which bears the primary responsibility regarding the reform of its security sector, to operationalize and implement, with the support of MONUSCO, a national and comprehensive vision and strategy for the security and justice sectors, including in the area of transitional justice, in order to establish democratic, accountable and professional national security and judicial institutions;

9. *Underlines* the need for an overall Congolese SSR strategy that focuses on the professionalization of security sector institutions, including oversight bodies, and that helps to ensure coherence and efficiency and avoid duplications or gaps, *encourages* at the same time the Government of the Democratic Republic of the Congo, to engage in a new strategic partnership with MONUSCO in the area of SSR in order to identify the priorities of each component of the security sector and possible new approaches for MONUSCO to support Congolese authorities in the area of SSR to build the capacity of the military, police, justice and other security institutions to consolidate Congolese State authority, and *requests* the Secretary-

General to report on these priorities and approaches in an annex to his report in November;

10. *Calls upon* the Congolese authorities to share its priorities and strategies with international partners on a regular basis, *requests* MONUSCO to support effective coordination, transparency and harmonization of efforts, as well as a clear division of tasks and responsibilities of all international partners involved in assisting the SSR, in this regard, *calls upon* the Government, with support from MONUSCO, to make strategic use of the information on internationally supported SSR projects already being collected by the Ministry of Planning, and *calls upon* all Member States and international organizations to improve information sharing and to fully cooperate with the Congolese authorities and MONUSCO in this regard;

11. *Reiterates* its call upon the Government to address the underlying issue of the cohesion within the national Army, including by establishing an effective vetting mechanism and further developing its efforts to ensure proper integration of former armed groups, in particular the CNDP, into the Armed Forces of the Democratic Republic of the Congo (FARDC), with the advisory support of MONUSCO, *encourages* the Government to ensure that members of the National Army are adequately paid and in a timely fashion, operate in accordance with established command and control regulations, and are subject to such disciplinary or judicial action as may be appropriate when regulations and laws are violated and *reiterates* its concern at the promotion within the Congolese security forces of well-known individuals responsible for serious human rights violations and abuses;

12. *Urges* the Congolese Government to implement the multi-year joint United Nations justice support program with the support of international partners, *recalls* the need for all crimes, including crimes against women and children, to be expeditiously investigated and the need for all perpetrators of those crimes, in particular Bosco Ntaganda, to be arrested and brought to justice, and *encourages* the Congolese authorities to pursue their efforts to combat impunity against all perpetrators of human rights and international humanitarian law violations, including those committed by any illegal armed groups or elements of the Congolese security forces;

13. *Further stresses* the importance of the Congolese Government actively seeking to hold accountable those responsible for war crimes and crimes against humanity in the country and of regional cooperation to this end, including through cooperation with the International Criminal Court, *calls upon* MONUSCO to support the Congolese authorities in this regard, and *takes note of* the recent positive steps taken by the Congolese authorities to apprehend Bosco Ntaganda;

14. *Calls upon* MONUSCO to continue to work with the United Nations country team and the Congolese authorities towards the adoption and implementation of the Peace Consolidation Programme covering provinces not affected by the conflict and *requests* MONUSCO, where appropriate, to continue transferring tasks to the United Nations country team in those provinces;

15. *Urges* the Congolese authorities to ensure that the provincial and local elections are conducted in a timely, credible, peaceful and transparent manner, which includes ensuring respect for human rights and fundamental freedoms, ensuring full and effective participation of women in the electoral process, strengthened engagement and cooperation with the civil society, equitable access to

media including State media, safety for all candidates, as well as for election observers and witnesses, journalists, human rights defenders and actors from the civil society including women;

16. *Decides* that MONUSCO shall support the organization and conduct of provincial and local elections, through the provision of technical and logistical support, in accordance with the paragraph 7 of resolution 1991 (2011), *decides* further that this support will be continually assessed and reviewed according to progress made by the Congolese authorities on consolidating the credibility of the Commission Electorale Nationale Indépendante (CENI), agreeing on viable operational plans in order to ensure international support, adopting a realistic electoral calendar and continuing to ensure the full access of observers and political parties' representatives to all electoral sites and operations, *recalls* the need for the Special Representative of the Secretary-General to promote and facilitate inclusive and transparent political dialogue among various Congolese stakeholders, including women groups, *supports* the establishment by the Congolese authorities of the Constitutional Court, *calls upon* the Election Partnership Committee to meet more regularly to closely follow and adapt international support to the electoral process, and *requests* the Secretary-General to report on these progress in his November report;

17. *Welcomes* the positive steps taken by the Congolese Government to investigate the violations of human rights alleged to have been committed in Kinshasa in the context of the 28 November 2011 elections, *urges* the Government of the Democratic Republic of the Congo to prosecute those responsible, *calls upon* the Government of the Democratic Republic of the Congo to protect and promote all human rights throughout the country and ensure full respect for fundamental rights and liberties, including freedom of expression and freedom of peaceful assembly, in light of the upcoming provincial and local elections scheduled for 2013 and *decides* that MONUSCO shall pursue its monitoring, reporting and following-up on human rights violations, including by using the good offices of the Special Representative of the Secretary-General for the Democratic Republic of Congo as required;

18. *Demands* that all armed groups, in particular mutineers of ex-CNDP and M23, the FDLR, the LRA and the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU), immediately cease all forms of violence and human rights abuses against the civilian population in the Democratic Republic of the Congo, in particular against women and children, including rape and other forms of sexual abuse and child recruitment, and demobilize;

19. *Condemns* recent mutiny led by Bosco Ntaganda and all outside support to all armed groups and *demands* that all forms of support to them cease immediately;

20. *Urges* the Government of the Democratic Republic of the Congo, with support from MONUSCO, to sustain its action against armed groups, especially mutineers of ex-CNDP and M23, restore order and bring the perpetrators to justice, while ensuring the protection of the civilian population, and address the underlying causes of instability, in particular the impact of the return of displaced persons and refugees and possible land-related social tensions;

21. *Reiterates* support to the respective initiatives taken by the United Nations and the African Union to facilitate regional action against the LRA and to

protect civilians, *encourages* relevant parties to enhance cooperation to help end the threat to civilians posed by the LRA, *welcomes* the steps taken by MONUSCO to enhance information sharing and coordination with those conducting military operations against the LRA and to promote and facilitate defections from the LRA's ranks, *encourages* MONUSCO to coordinate closely with and provide technical expertise, as appropriate and within the limits of its capacities, to United Nations missions across the LRA-affected region to help advance the United Nations regional strategy to address the LRA, especially with regard to disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR), and *encourages* MONUSCO to deepen its contacts with LRA-affected communities and humanitarian partners and keep under review the coordination and deployment of its available resources to ensure maximum effect;

22. *Underlines* the urgent need for continued progress in addressing the threat of foreign and national armed groups, including through further progress in the DDRRR process, *urges* the international community and donors to support the Government of the Democratic Republic of the Congo and MONUSCO in DDRRR activities, *calls upon* the Government of the Democratic Republic of the Congo and neighbouring States to remain engaged in the process and *urges* the Government to make progress on the national programme for disarmament, demobilization and reintegration (DDR) of residual Congolese armed elements in eastern Democratic Republic of the Congo, with the support of MONUSCO;

23. *Encourages* the Government of the Democratic Republic of the Congo to continue to build on its cooperation with the Special Representative of the Secretary-General for Children and Armed Conflicts and the Special Representative of the Secretary-General on Sexual Violence in Conflict and to meet, without further delay, its commitments to adopt and implement an action plan to halt the recruitment and use of children by the Armed Forces of the Democratic Republic of the Congo (FARDC), in close collaboration with MONUSCO;

24. *Encourages* MONUSCO to enhance its interaction with the civilian population to raise awareness and understanding about its mandate and activities and to collect reliable information on violations and abuses of international humanitarian and human rights law perpetrated against civilians;

25. *Welcomes* the steps taken by the Congolese authorities to address the tracing and certification of minerals, *encourages* further cooperation throughout the region, *urges* demilitarization of the mining areas in the Democratic Republic of the Congo and the professionalization and deployment of Congolese Mining Police in these areas, *calls upon* MONUSCO to support the relevant Congolese authorities in preventing the provision of support to armed groups from illicit economic activities and illicit trade and natural resources, including to carry out spot checks and regular visits to mining sites, trade routes and markets, in the vicinity of the five pilot trading counters and *encourages* the Congolese Government to further increase transparency in the administration of contracts for mining rights and the collection and accounting for taxes;

26. *Demands* that all parties cooperate fully with the operations of MONUSCO and allow, in accordance with relevant provisions of international law, the full, safe, immediate and unhindered access for United Nations and associated personnel in carrying out their mandate to all those in need and delivery of humanitarian assistance, in particular to internally displaced persons, throughout the

territory of the Democratic Republic of the Congo, including in the LRA-affected areas, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

27. *Commends* the contribution of troop- and police-contributing countries and donors to MONUSCO, *calls on* Member States to pledge and provide the remaining force enablers, in particular military air assets, required for the mission and *recalls* the importance of close consultations with troop- and police-contributing countries;

28. *Requests* the Secretary-General to report by 14 November 2012, 14 February 2013 and 24 May 2013 on the progress on the ground, including on the progress made towards the objectives mentioned in paragraph 4 above, recommended benchmarks for measuring progress and the impact of the DDRRR process on the strength of foreign armed groups, and *further requests* the Secretary-General to include specific thematic annexes in his report in November on the assessment of the electoral process as mentioned in paragraph 15 and possible new approaches in SSR as mentioned in paragraph 9 above and in February on the review of ISSSS as mentioned in paragraph 7 above and on the strategy and efforts to effectively transfer the responsibility of some MONUSCO tasks to members of the UNCT;

29. *Decides* to remain actively seized of the matter.